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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,587	03/05/2007	Ralf Bobel	IF-K34	5292
23996 7590 12/10/2008 PATENT LAW OFFICES OF RICK MARTIN, PC PO BOX 1839 LONGMONT, CO 80502				
EXAMINER				
KLAUS, LISA NHUNG				
ART UNIT		PAPER NUMBER		
2832				
MAIL DATE		DELIVERY MODE		
12/10/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/570,587

Applicant(s)

BOBEL ET AL.

Examiner

Lisa N. Klaus

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-11 and 15-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5, 7-11 and 15-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 08 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 9, 10, 11 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoang et al. (US 6,737,592) in view of Liu et al. (US 6,794,592).

Hoang discloses a switch assembly comprising:

- Regarding claims 1, 17 and 18, Hoang discloses:

- at least one electrical switch 20 disposed on a carrier 50;

- the carrier 50 having a top side 27;

- at least one electric switch 20 is push-pull rocker switch (see col. 1, lines 6-22)

with an actuation member 32 formed by an actuation projection (see the attachment) asymmetrically with respect to an axis (see the attachment) of the actuation member 32.

- Regarding claims 1, 17 and 18, Hoang does not disclose the switch covered by a flexible outer skin.

Liu discloses a dustproof and waterproof switch comprising:

- at least one actuation member 4 of the at least one switch is covered by a flexible outer skin 5 which conformingly encloses a top and at least a portion of an underside of the actuation projection of the actuation member 4 of the at least one rocker switch.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the outer skin as taught by Liu with Hoang's switch for the purpose of preventing dust, dirt and the like from entering the switch.

Regarding claims 17 and 18, Hoang discloses the recessed grip formed by the underside of the actuation member (see the attachment).

- Regarding claim 2, Liu discloses:

- the underside of the outer skin 5 rests intimately on the top side of the carrier 13.

- Regarding claim 3, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the adhesion foam or the like to connect the outer skin with the carrier for the purpose of preventing dust, dirt and the like from entering the switch.

- Regarding claims 4 and 9, Liu discloses:

- the outer skin 5 further comprises downwardly projecting positioning nobs, which engage grooves (see the attachment) of the carrier gaps provided between the carrier 13.

- Regarding claims 5, 10 and 11, Liu discloses:

- at least one rocker switch 4 is an actuation protection located beneath the outer skin 5.

- Regarding claims 15 and 16, Liu discloses:

- wherein the outer skin 5 further comprises downwardly projecting positioning knobs 4 which engage gaps between the carrier 13 and the switches disposed therein.

- Regarding claim 19, Liu discloses:

- at least one rocker switch 4 is an actuation protection located beneath the outer skin 5.

2. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoang and Liu in view of Olson (US 4,958,148).

Hoang and Liu do not disclose the outer skin selected from a group consisting of polyurethane and silicone.

- Olson discloses the contrast enhancing transparent touch panel device comprising the adhesive being selected from the group consisting of silicone and polyurethane adhesives.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the group consisting of silicone and polyurethane as taught by Olson apply to Hoang's cap for flexibility, water and heat-resistant lubricants, varnishes, binders, and electric insulators.

Conclusion

5. Any inquiry concerning this communication should be directed to Lisa Nhung Klaus whose telephone number is (571) 272-1993, and whose fax number is (571) 273-8300. In the event that I am not reached, you can contact my supervisor, Mr. Elvin G. Enad at (571) 272-1990 or the tech center receptionist at (703) 308-1782.

Lisa Nhung Klaus

Patent Examiner - Art Unit 2832

November 21, 2008

Art Unit: 2832

/Michael A. Friedhofer/

Primary Examiner, Art Unit 2832



